

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11193-NG

SHAWN DRUMGOLD,)
)
Plaintiff)
)
vs.)
)
CITY OF BOSTON, ET AL.,)
)
Defendants)
)

**DEFENDANT'S MOTION FOR AN ORDER TO WITNESSES
COMPELLING ATTENDANCE AT DEPOSITION**

Defendant Timothy Callahan hereby requests that the Court endorse the attached Order compelling the attendance at deposition of Edrina Graham Payne, Olisa Graham (no-show for day 2), Michelle Payne Short, Obie Graham, Tynetta Gray, Kathy Jamison, Vantrell McPherson (no show for day 2), to give testimony and produce documents in this matter.

As grounds therefor, Defendant states that this Court allowed the Defendants' Motion to Compel the attendance of these witnesses at the hearing of this matter on March 6, 2007. At that time, Defendants asked that the Court order the United States Marshal Service to arrest the witnesses for failure to obey previously served subpoenas and thus secure their attendance for deposition.

Because the timing of such depositions would necessarily be uncertain, as would be availability of counsel on short notice, and as the parties do not wish to inconvenience the Court, Marshal Service or the witnesses themselves, Defendant respectfully suggest that the Court endorse the attached Order and allow the parties to

schedule the compelled depositions at the convenience of all participants. It is respectfully suggested that an Order of this Court threatening arrest, coupled with a reissued subpoena, may encourage the witnesses to comply with the subpoena without further involvement of the Court.

For the reasons stated herein, Defendants request that the Court order the following witnesses to appear and be questioned: Edrina Graham Payne, Olisa Graham, Michelle Payne Short, Obie Graham, Tynetta Gray, Kathy Jamison, and Vantrell McPherson.

Respectfully submitted,

TIMOTHY CALLAHAN

By his attorney,

/s/ Mary Jo Harris _____
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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2007 I served a copy of Defendants' Motion to Compel upon the following counsel of record by filing with the ECF/Pacer Case Management System and by sending a courtesy copy, first class mail, postage prepaid:

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/s/ Mary Jo Harris

April 14, 2007

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Mary Jo Harris, hereby certify that the substance of this motion has been discussed with all counsel and is unopposed (and the depositions of three witnesses, Edrina Payne, Vantrell McPherson, and Michelle Graham Short) have been scheduled to date. Due to the timing of this filing, no other party has reviewed the instant motion, and accordingly it is filed on behalf of Defendant Callahan alone.

/s/ Mary Jo Harris